

MEDICINE BOARD[653]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Medicine hereby amends Chapter 9, “Permanent Physician Licensure,” Iowa Administrative Code.

The purpose of Chapter 9 is to establish requirements for the licensure of medical physicians and osteopathic physicians. The amendments implement 2015 Iowa Acts, Senate File 276, which was signed into law on April 17, 2015, and became effective July 1, 2015. The amendments define “relinquishment” and declare that a person’s permanent license to practice medicine and surgery, osteopathic medicine and surgery, or administrative medicine shall be deemed relinquished if the person fails to apply for renewal or reinstatement of the license within five years after its expiration.

The Board approved a Notice of Intended Action during a regularly scheduled meeting on August 28, 2015. Notice of Intended Action for these amendments was published in the Iowa Administrative Bulletin on October 14, 2015, as **ARC 2203C**.

A public hearing was held on November 10, 2015. Leah McWilliams, representing the Iowa Osteopathic Medical Association, attended the hearing to seek clarification on how the records of relinquished licenses will be retained by the Board. Records of relinquished licenses will be maintained in the Board’s licensure database.

These amendments are identical to those published under Notice.

On December 10, 2015, the Board voted to adopt these amendments.

After analysis and review of this rule making, it has been determined that these amendments will have no impact on jobs in Iowa.

These amendments are intended to implement 2015 Iowa Acts, Senate File 276, and Iowa Code chapters 147, 148 and 272C.

These amendments will become effective on February 10, 2016.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definition in rule **653—9.1(147,148)**:

“*Relinquishment*” means that a person’s permanent license to practice medicine and surgery, osteopathic medicine and surgery, or administrative medicine is deemed abandoned if the person fails to renew or reinstate the license within five years after its expiration. A license that has been relinquished is no longer valid or renewable. Relinquishment is not disciplinary in nature.

ITEM 2. Adopt the following **new** rule 653—9.19(147,148):

653—9.19(147,148) Relinquishment of license to practice. A person’s permanent license to practice medicine and surgery, osteopathic medicine and surgery, or administrative medicine shall be deemed relinquished if the person fails to apply for renewal or reinstatement of the license within five years after its expiration.

9.19(1) A license shall not be reinstated, reissued, or restored once it is relinquished. The person may apply for a new license pursuant to Iowa Code sections 148.3 and 148.11 and 653—Chapters 9 and 10.

9.19(2) The relinquishment of license may be stayed if, at the date of relinquishment, there is an active:

- a. Evaluation order pursuant to Iowa Code section 272C.9(1) and rule 653—24.4(272);
- b. Combined statement of charges and settlement agreement pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and rule 653—25.3(17A);
- c. Statement of charges pursuant to Iowa Code section 17A.12(2) and rule 653—25.4(17A);
- d. Settlement agreement pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and rule 653—25.17(272C);

- e.* Final decision pursuant to Iowa Code sections 17A.12 and 272C.6 and rule 653—25.24(17A);
- or
- f.* Application for reinstatement of the license pursuant to rule 653—9.15(147,148) or 653—9.16(147,148).

[Filed 12/15/15, effective 2/10/16]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/6/16.